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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

11 ROBERT KORTER and LINDA KORTER,)
12 Plaintiffs,)
13 v.) Case No.
14 SALLIE MAE BANK and)
15 NAVIENT SOLUTIONS, INC.,)
16 Defendants.)

17 **PLAINTIFFS' COMPLAINT**

18 Plaintiffs, ROBERT KORTER and LINDA KORTER, ("Plaintiffs") file this lawsuit for
19 damages, and other legal and equitable remedies, resulting from the illegal actions of SALLIE
20 MAE BANK and NAVIENT SOLUTIONS, INC. ("Defendants"), in negligently, knowingly,
21 and/or willfully contacting Plaintiff on Plaintiff's cellular telephone in violation of the Telephone
22 Consumer Protection Act, 47 U.S.C. § 227 *et seq.* ("TCPA").
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JURISDICTION AND VENUE

1. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331 as Plaintiffs' claims arise under the laws of the United States.
2. This Court has federal question jurisdiction because this case arises out of violations of federal law. 47 U.S.C. §227(b); *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740 (2012).
3. Defendant conducts business in Vancouver, Clark County, Washington.
4. Venue and personal jurisdiction in this District are proper because Defendant transacts business in this District, and a material portion of the events at issue occurred in this District.

PARTIES

5. Plaintiffs are residents of Vancouver, Clark County, Washington.
6. In April 2014, Sallie Mae Bank spun off its loan servicing division and created Navient Solutions, Inc.
7. Navient is a publicly traded U.S. corporation based in Wilmington, Delaware.
8. Navient services and collects on student loans.
9. Navient manages approximately \$300 billion in student loans for over 12 million consumers.

FACTUAL ALLEGATIONS

10. Plaintiff, LINDA KORTER, applied for and received student loans through Sallie Mae Bank.
11. All of the telephone calls Defendants made to Plaintiffs were an attempt to collect on Plaintiffs' student loans.
12. None of the calls Defendants made to Plaintiffs were for an emergency purpose.

1 13. Within four (4) years of Plaintiffs filing this Complaint, Defendants called Plaintiff's,
2 ROBERT KORTER'S, cellular telephone xxx-xxx-8977 to service and collect on
3 Plaintiffs' student loans.

4 14. Within four (4) years of Plaintiffs filing this Complaint, Defendants called Plaintiff's,
5 LINDA KORTER'S, cellular telephone xxx-xxx-9122 to service and collect on
6 Plaintiffs' student loans.

7 15. Within four (4) years of Plaintiffs filing this Complaint, Defendants also called
8 Plaintiffs' other cellular telephone xxx-xxx-4657 to service and collect on Plaintiffs'
9 student loans.

10 16. Within four (4) years of Plaintiff filing this Complaint, Plaintiffs spoke to Defendant on
11 the phone and requested Defendant stop calling Plaintiffs' cellular telephones.

12 17. Despite Plaintiff's requests that Defendants stop calling Plaintiffs cellular telephones,
13 Defendants continued to call Plaintiffs' cellular telephones.

14 18. Within four (4) years of Plaintiffs filing this Complaint, Plaintiffs sent Defendants a
15 cease and desist request.

16 19. Despite receiving Plaintiffs' cease and desist request, Defendants continued to call
17 Plaintiffs' cellular telephones.

18 20. All of the calls Navient Solutions, Inc., made to Plaintiffs' cellular telephones were made
19 with the Noble Systems Dialer.

20 21. Prior to calling Plaintiffs' cellular telephone, Defendants knew Plaintiffs' numbers were
21 cellular telephone numbers.

22 22. All of the calls Defendants made to Plaintiffs' cellular telephones resulted in Plaintiffs
23 incurring a charge for incoming calls.
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1 23. During at least one conversation, Defendants learned that Plaintiffs wanted Defendants
2 to stop calling Plaintiffs' cellular telephones.

3 24. Even if at one point Defendants had permission to call Plaintiffs' cellular telephones,
4 Plaintiffs revoked this consent.

5 25. Defendants continued to call Plaintiffs' cellular telephones after Defendants knew
6 Plaintiffs wanted the calls to stop.

7 26. Within 4 years of Plaintiffs filing this Complaint, Defendants used an automatic
8 telephone dialing system to call Plaintiffs' cellular telephones.

9 27. Within 4 years of Plaintiffs filing this Complaint, Defendants called Plaintiffs' cellular
10 telephones in predictive mode.

11 28. Within 4 years of Plaintiffs filing this Complaint, Defendants left pre-recorded voicemail
12 messages for Plaintiffs on Plaintiffs' cellular telephones.

13 29. Within 4 years of Plaintiffs filing this Complaint, Defendants left voicemail messages
14 from live operators for Plaintiffs on Plaintiffs' cellular telephones.

15 30. The telephone dialer system Defendants used to call Plaintiffs' cellular telephones has
16 the capacity to store telephone numbers.

17 31. The telephone dialer system Defendants used to call Plaintiffs' cellular telephones has
18 the capacity to call stored telephone numbers automatically.

19 32. The telephone dialer system Defendants used to call Plaintiffs' cellular telephones has
20 the capacity to call stored telephone numbers without human intervention.

21 33. The telephone dialer system Defendants used to call Plaintiffs' cellular telephones has
22 the capacity to call telephone numbers in sequential order.

23 34. The telephone dialer system Defendants used to call Plaintiffs' cellular telephones has
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the capacity to call telephone numbers randomly.

35. The telephone dialer system Defendants used to call Plaintiffs' cellular telephones selects telephone numbers to be called according to a protocol or strategy entered by Defendants.

36. The telephone dialer system Defendants used to call Plaintiffs' cellular telephones simultaneously calls multiple consumers.

37. While Defendants called Plaintiffs' cellular telephones, Plaintiffs' cellular telephone lines were unavailable for legitimate use during the unwanted calls.

**DEFENDANT VIOLATED THE
TELEPHONE CONSUMER PROTECTION ACT**

38. Defendants' conduct violated the TCPA by:

- a. Placing non-emergency telephone calls to Plaintiffs' cellular telephones using an automatic telephone dialing system and/or pre-recorded or artificial voice in violation of 47 U.S.C. § 227 (b)(1)(A)(iii).

WHEREFORE, Plaintiffs, ROBERT KORTER and LINDA KORTER, respectfully request judgment be entered against Defendants, SALLIE MAE BANK and NAVIENT SOLUTIONS, INC. for the following:

39. As a result of Defendants' negligent violations of 47 U.S.C. 227(b)(1), Plaintiffs are entitled to and request \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).

40. As a result of Defendants' willful and/or knowing violations of 47 U.S.C. 227(b)(1), Plaintiffs are entitled to and request treble damages, as provided by statute, up to \$1,500.00, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B) and 47 U.S.C. 227(b)(3)(C).

1 41. Plaintiffs are entitled to and seek injunctive relief prohibiting such conduct in the future.

2 42. Any other relief that this Honorable Court deems appropriate.

3 DATED: July 5, 2016

RESPECTFULLY SUBMITTED,

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5 By: /s/ Sharon D. Cousineau

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